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5

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 **-oOo-**

9 UNITED STATES OF AMERICA, )  
10 Plaintiff, ) 2:07-cr-132-PMP-RJJ  
11 vs. ) **GOVERNMENT'S MOTION**  
12 KATHY NELSON, ) **FOR CONTINUANCE**  
13 Defendant. )  
14

15 COMES NOW, the United States of America by and through its attorneys, DANIEL G.  
16 BOGDEN, United States Attorney, and ADAM FLAKE, Assistant United States Attorney, and  
17 respectfully requests this court enter an order resetting the Government's deadline to respond to  
18 Defendant's 28 U.S.C. § 2255 motion to 30 days after Defendant's former counsel, Karen Winkler,  
19 provides the information requested in the Government's motion to waive the attorney-client privilege.  
20 The Government's response is currently due on September 20, 2010.<sup>1</sup>

21 This order is sought for the following reasons:

22 1. Defendant has filed a 28 U.S.C. § 2255 motion to vacate, set aside or correct sentence by  
23 a person in federal custody, alleging ineffective assistance of counsel.  
24

25 \_\_\_\_\_  
26 <sup>1</sup>The Government previously sought to extend the deadline to respond to Defendant's 28  
U.S.C. § 2255 motion, *see* CR 95, but the Court has not addressed that motion. This motion  
to reset the deadline until 30 days after Winkler provides the information requested makes  
CR 95 moot.

2. Information from Defendant's former counsel, Karen C. Winkler, is necessary in order to respond to Defendant's allegations.

3. The Government has filed a separate motion to waive the attorney-client privilege between Defendant and former counsel, Karen Winker, whom Defendant alleges gave ineffective assistance. The Government needs the information requested from Winker before it can respond to Defendant's 28 U.S.C. § 2255 motion.

**WHEREFORE**, based on the foregoing, it is respectfully requested that this Court reset the Government's deadline for responding to Defendant's 28 U.S.C. § 2255 motion to 30 days after Winkler provides the information requested in the motion to waive the attorney-client privilege.

**DATED** this 16th day of September, 2010.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

/s/ Adam M. Flake  
ADAM FLAKE  
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**  
2 **DISTRICT OF NEVADA**

3 **-oOo-**

4 UNITED STATES OF AMERICA, )

5 Plaintiff, )

6 vs. )

7 KATHY NELSON, )

8 Defendant. )  
9

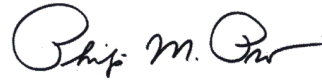
) No. 2:07-cr-132-PMP-RJJ

) **ORDER STAYING GOVERNMENT'S**  
) **DEADLINE TO RESPOND TO**  
) **DEFENDANT'S 28 U.S.C. § 2255 MOTION**

10 Based on the pending application of the Government, and good cause appearing,

11 **IT IS THEREFORE ORDERED** that the that the Government's deadline for responding to  
12 Defendant's 28 U.S.C. § 2255 motion is stayed until 30 days from the date Karen Winkler provides  
13 the information requested in the Government's motion to waive the attorney-client privilege.

14 DATED this \_ 19th day of October, 2010.

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16 UNITED STATES DISTRICT JUDGE  
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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2010, I electronically filed the foregoing GOVERNMENT'S MOTION FOR CONTINUANCE with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following:

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355109  
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Karen C. Winkler  
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/s/ Terrie Murray  
TERRIE MURRAY  
Legal Assistant